

1 STATE OF NEW YORK COUNTY OF ALBANY
2 TOWN OF COLONIE
3 *****

4 MULTI-TENANT COMMERCIAL BUILDING
5 46 FULLER ROAD
6 *****

7 THE STENOGRAPHIC MINUTES of the above entitled
8 matter by NANCY L. STRANG, a Shorthand Reporter
9 commencing on September 8, 2020 at 6:00 p.m. at
10 Memorial Town Hall 534 New Loudon Road, Latham,
11 New York.

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13 BOARD MEMBERS:
14 PETER STUTO, CHAIRMAN
15 CRAIG SHAMLIAN
16 PAUL ROSANO
17 SUSAN MILSTEIN
18 LOUIS MION
19 FREDERICK ASHWORTH

20
21 ALSO PRESENT:
22 KATHLEEN MARINELLI, ESQ. COUNSEL TO THE BOARD
23 SEAN MAGUIRE, AICP, CEcD, DIRECTOR, DEPARTMENT
24 OF PLANNING AND ECONOMIC DEVELOPMENT
25 ZACHERY HARRISON, PLANNING AND ECONOMIC
DEVELOPMENT

1 NICHOLAS COSTA, PE, ADVANCE ENGINEERING AND
2 SURVEYING

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4 CHARLES VOSS, PE, BARTON AND LOGUIDICE

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1 CHAIRMAN STUTO: Welcome to the Town of
2 Colonie Planning Board. We are observing all
3 precautions due to Covid 19, including
4 spreading out and masks and we appreciate your
5 cooperation in that.

6 I will say for the record that everyone
7 is here except for Chief Heider. So, we can
8 have a record of that for the roll call.

9 Next item on the agenda is the report
10 from the Planning and Economic Development
11 Director.

12 Sean, do you have anything to tell us?

13 MR. MAGUIRE: Not for this week.

14 CHAIRMAN STUTO: Okay, onto our regular
15 business.

16 First item on the agenda is 46 Fuller
17 Road, Multi-Tenant Commercial Building.
18 Sketch plan review for the construction of a
19 one-story 5,000 square foot commercial
20 building with approximately three tenants.

21 Sean, do you have anything before we
22 turn it over to the applicants?

23 MR. MAGUIRE: No, we can let the applicant
24 go right ahead.

25 CHAIRMAN STUTO: Okay.

1 MR. COSTA: Good evening. Nick Costa from
2 Advance Engineering and Surveying this is a
3 parcel that is located on 46 Fuller Road. It's
4 a long parcel. It's quite large. It does have
5 quite a bit of constrained lands. There are
6 wetlands. There is also stream protection area
7 and there's also a very large culvert that
8 drains - not only Fuller Road, but it comes --
9 I can't remember the lake that is located over
10 by Northway Mall. It really makes this area
11 unusable.

12 So, I think the site had been in front
13 of the Planning Board quite a long time ago.
14 They were trying to develop a 10,000
15 square-foot building and you told him there
16 is no way that 10,000 square feet was going
17 to work at this location. So, we came up
18 with this footprint that you see here with
19 parking at the rear.

20 The sanitary sewer and water are all
21 located within the corridor of Fuller Road.

22 Stormwater - there was an area that was
23 located outside of the stream buffer. The
24 stream buffer is along here and we are
25 staying out of there (Indicating). We think

1 we have a large enough area.

2 Obviously, this is sketch plan so we
3 haven't run the design calculations.
4 however, we do need variances. The site is
5 split-zoned. It was recommended to us that
6 we make the DCC submission and the
7 departments take a look at it and tell us
8 what they come up with.

9 We were also asked to come and see the
10 Planning Board to see what the Planning
11 Board has to offer. So, when we go to the
12 Zoning Board of Appeals, we have an opinion
13 from everybody other than from the Zoning
14 Board of Appeals.

15 From the Zoning Board of Appeals we
16 will be looking for some area variances.
17 They have to do with regards to certain
18 distances from the single-family zoning
19 which is up in this area (Indicating). This
20 street is developed with single-family
21 homes. This areas also single-family homes.
22 Around this is commercial development. We
23 will go forward with the area variances,
24 once we have your input as to the proposal.

25 The site has plenty of green space,

1 obviously, because nothing is getting
2 developed. If you look at the bottom left
3 area, this is the parcel and we are only
4 developing in this area. The green area will
5 be green. We have placed the entrance
6 driveway where we think it works best with
7 the building located here. We don't like the
8 idea of putting the building closer to this
9 electrical in case there has to be
10 maintenance or replacement of the culvert.
11 So, we stayed on this side and put the drive
12 on that side. That is pretty much the
13 proposal. If there any questions, I would
14 love to hear your comments also.

15 CHAIRMAN STUTO: Can you go over what the
16 variances are again?

17 MR. COSTA: Sure.

18 CHAIRMAN STUTO: And did you say you were
19 asking for waivers from us?

20 MR. COSTA: I don't believe we are asking
21 for waivers. The building right now is shown to
22 be 21 feet, but we can move the building to be
23 20 feet.

24 CHAIRMAN STUTO: So, that is a potential
25 waiver.

1 MR. COSTA: When you see plans come out of
2 our office, it's difficult to build about 20
3 feet. So, whoever gets to revising that
4 requirement - that would help things. The
5 surveyors really don't like to put them right
6 on the line - not that it can't be done, but it
7 requires a little more work.

8 CHAIRMAN STUTO: So, could you go over the
9 area variances again?

10 MR. COSTA: Sure. The building falls
11 within the buffer setback area. So, that's one
12 of them. There is the parking area that falls
13 within the setback. Then, there is a separation
14 to the SFR district line. If we do get a tenant
15 that offers food, there is a separate
16 requirement for food - to be located 200 feet,
17 I think, from the SFR zoning. That would be
18 something that we would also need a variance
19 for.

20 CHAIRMAN STUTO: Okay, thank you.

21 This is also being reviewed by our Town
22 Designated Engineer, Barton and Loguidice.
23 We have Chuck Voss here.

24 Chuck, I know you haven't formally
25 reviewed this yet, but could you give us

1 your thoughts here today?

2 MR. VOSS: Sure, Peter. We were at the DCC
3 meeting when the project was first there. I
4 think Nick did a pretty good job on justifying
5 the site. Just for general knowledge purposes,
6 the site is fully accessed by utilities, sewer,
7 water and certainly drainage will be an issue.
8 But the site being so large that preliminarily
9 it looks like Nick has room relatively close to
10 the building to put in the necessary stormwater
11 management practices. We just want to be
12 sensitive to that protected watercourse buffer
13 that is in the back and there are some steep
14 slopes further back, basically to the south
15 side of the site.

16 We just want to be wary of that, Nick,
17 that we just don't want to get too close to
18 the edge of that with your practice.

19 As Nick said, there are a couple of
20 area variances that are needed. In this area
21 it's probably not unlikely that the ZBA
22 would grant those, given the existing
23 commercial complexion of the bulk of Fuller
24 Road. There are a lot of existing properties
25 up and down the corridor that backup to

1 residential areas. That is something that
2 you're going to want to try to at least
3 spend some time working with the ZBA on.
4 You don't have a lot of room to move the
5 building if you don't get that 100-foot
6 setback for the building. You may have to
7 redesign because your building is fairly
8 large.

9 One of the things we wanted to discuss
10 or at least bring to the Board's attention
11 was the fact that Nick I think your main
12 entrance parking on one side of the
13 building, versus facing Fuller Road. Usually
14 with most commercial businesses, their front
15 entrance Fuller Road, but I think that is
16 something you can sort of put out to the
17 Board.

18 We also wanted to make sure, as Nick
19 mentioned, there is some significance to
20 staying away to that culvert to the
21 northeast. It's approximately a 60-inch
22 culvert and it looks fairly large. Certainly
23 I know the Town would want to make sure that
24 stays open and unobstructed without any
25 encumbrances.

1 Other than that, the only other thing I
2 wanted to point out just for the Board's
3 information - it looks like gravity sewers
4 will certainly work in this location,
5 although you might have to get a little
6 creative how you design that.

7 Just for SEQRA purposes, this is an
8 unlisted action so you probably will want to
9 have a long form, Nick, and take a look at
10 that before you submit again just so we have
11 all that information.

12 Other than that, it appears to be
13 consistent with the nature of the rest of
14 the corridor.

15 CHAIRMAN STUTO: Okay, we will go down the
16 line and get comments from the Board.

17 Craig?

18 MR. SHAMLIAN: Can you go over exactly
19 where in the back -- the SFR line is in the
20 back, correct?

21 MR. COSTA: Yes. That, I believe, is the
22 SFR zone line.

23 MR. SHAMLIAN: And that is also the one on
24 the line going up and down?

25 MR. COSTA: Yes.

1 MR. SHAMLIAN: So, two things. First of
2 all, I have consistently not been in favor of
3 buildings being up by the road, despite what
4 the Land Use Law says.

5 Secondly, I think you're trying to put
6 an awful lot on the only buildable spot on
7 this property and you put everything on it
8 and jam packed it in there. I understand
9 it's a huge piece of property. Anyway, those
10 are my comments.

11 MR. COSTA: Thank you.

12 CHAIRMAN STUTO: Paul?

13 MR. ROSANO: I've got a couple of minor
14 points.

15 You've got an encroachment by two
16 neighbors on Cherry Street. One of them, as
17 Lou pointed out to me, has three sheds
18 within your property line. The next house up
19 - are you looking to do something for those
20 people, or is that an area that you're not
21 going to disturb?

22 MR. COSTA: And that's far enough away
23 from our site that I think we can have further
24 discussions with the neighbors about that.

25 MR. ROSANO: There are a couple of full

1 service curb cuts there on Fuller Road. Are you
2 going to eliminate those?

3 MR. COSTA: Yes, we are only showing the
4 one.

5 MR. ROSANO: The one main drive in and out
6 - it seems like it's kind of close to Cherry
7 Street, in my view. Would you consider coming
8 back and telling us how you feel about -- not
9 only are you going to have people coming in on
10 Cherry Street but you've got the diner across
11 the street. I'm just worried about a three-way
12 conflict there. I would just like you to take a
13 second look at that and if there's any way you
14 can maybe redesigned that a little bit -
15 especially the Cherry Street side. You've got a
16 center median there on fuller road. You have
17 some wiggle room. I'm kind of concerned with
18 the site distance coming out of Cherry and the
19 fact that you could have a conflict there.

20 MR. COSTA: We can take a look at that.

21 CHAIRMAN STUTO: Susan?

22 MS. MILSTEIN: I don't have any questions,
23 but I have similar concerns.

24 CHAIRMAN STUTO: Lou?

25 MR. MION: I agree with what Craig said. I

1 have a problem with the building being so close
2 to the road.

3 Are you supposed to have the front
4 entrances to the road, Sean?

5 MR. MAGUIRE: Yes.

6 MR. MION: So, you may want to take a look
7 -- you could do it on a computer. Maybe you
8 could reposition the building and flip the
9 parking, I guess. Put the building farther back
10 and bring the parking in front.

11 MR. COSTA: And you would not have a
12 problem with that waiver, giving those waivers?

13 MR. MION: I wouldn't have a problem with
14 that. I think it's more appropriate and it goes
15 with everything else that's on the street. All
16 the entrances are on the front and up the back.

17 MR. COSTA: We can take a look at that and
18 as long as you don't have an issue with that -
19 if we push the building to the back, that
20 variance gets us closer to that zone line. We
21 will discuss that with the applicant and see.
22 If he doesn't have a problem with moving it
23 back, we will move it back and we we'll get the
24 variance for a lot more reduction in the
25 distance.

1 MR. MION: I understand the Land Use Law
2 says about 20 feet, but I have to agree. We
3 have talked about this before. It's just too
4 close and you need to move it up back. I, for
5 one, would have no problem putting the parking
6 in the front. That would be consistent with
7 what we have done in the past.

8 The other item I had was, again, the
9 sheds and those two houses. They are
10 encroaching on your property. Something
11 should be done either with them or let them
12 know -

13 MR. COSTA: That they can stay there as
14 long as there is an agreement.

15 MR. MION: Well, it is your property.

16 MR. COSTA: Okay, thanks Lou.

17 CHAIRMAN STUTO: Chip?

18 MR. ASHWORTH: You're going to put the
19 retention pond back here?

20 MR. COSTA: Yes, right there. Right in
21 that area (Indicating).

22 MR. ASHWORTH: So, you do have parking out
23 in front and that way you moved to this curb
24 cut down here so you're less interfering with -

25 MR. COSTA: Yes, and you're staying away

1 from the culvert. I understand what you're
2 saying. Move it to the back.

3 MR. ASHWORTH: I'm happy with everything
4 else.

5 MR. COSTA: Thank you, Chip

6 CHAIRMAN STUTO: I agree with the points
7 that were made - pushing the building back.
8 Double check the size of the building relative
9 to the building footprint. The driveway point
10 that Paul made - I agree with.

11 MR. COSTA: If we go to the front - the
12 parking in the front - that does open up the
13 idea of moving the drive. It makes it a little
14 bit more flexible; okay.

15 CHAIRMAN STUTO: Anything else, anybody?

16 MR. SHAMLIAN: In addition to the ZBA, are
17 you going to need SEAMAB as well?

18 MR. COSTA: No, no SEAMAB. We are staying
19 out of the buffer.

20 CHAIRMAN STUTO: Okay, thank you.

21 MR. MAGUIRE: Do you want them to come
22 back with an updated sketch on this?

23 CHAIRMAN STUTO: That would be a good
24 idea, thank you.

25 MR. MAGUIRE: Okay, thank you.

1 (Whereas the above entitled proceeding
2 was concluded at 6:17 PM)
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CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
and Notary Public in and for the State of
New York, hereby CERTIFIES that the record
taken by me at the time and place noted in
the heading hereof is a true and accurate
transcript of same, to the best of my
ability and belief.

Date: _____

Nancy L. Strang
Legal Transcription
2420 Troy Schenectady Road
Niskayuna, NY 12309

